

REMARKS

These remarks are submitted in reply to the Office Action dated May 03, 2007. Applicant respectfully requests reconsideration and further examination of the patent application under 37 C.F.R. § 1.111.

Claims 1 – 3, 7 - 11, 24 and 25 remain in the application. Claims 4 - 6 were cancelled. Based on the remarks herein, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections.

I. Claims 1-11, and 24-25 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "sintering the material", was considered unclear as to which material is being sintered since the claim recites dielectric material and metal oxide materials. Similarly, the Office Action stated the phrase "the material", in claims 4-6, makes it unclear to which material is being sintered since the claim recites dielectric material and metal oxide materials.

Applicant has amended claims 1 and deleted claims 4 – 6 from “~~the mixture of particles of at least one electronically tunable dielectric material and a total of from about 1 to about 80 weight percent of particles of at least two additional metal oxide materials~~” to “sintering the mixture of particles”. Thus, Applicant has clarified the ambiguity and submits this rejection has been traversed. Further, Applicant suggests that this rejection may have been mistakenly not removed from the previous office action as the previous amendments do not appear to have been considered. Regardless, Applicant, in an abundance of caution has responded to this rejection and respectfully

submits that it has been traversed with this amendment. Regarding claims 4 – 6, they have been cancelled rendering this rejection, if correct, moot.

II. Claims 1, 4 11, and 24 25 were rejected under 35 U.S.C. 102(e) as being anticipated by Zhu et al (US 6,404,614). Claims 1 7, 11 and 24, 25 were rejected under 35 U.S.C. 102(e) as being anticipated by Sengupta (US 6,737,179). Claims 1 7, 11 and 24 25 were rejected under 35 U.S.C. 102(e) as being anticipated by Chiu et al (US 6,154,895).

As the above rejections are 102(e) rejections with common inventors, Applicant submits with the present invention a declaration from Louise C. Sengupta, showing under 37 CFR 1. 132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another." Applicant respectfully submits that with the present affidavit submitted by Ms. Sengupta, Applicant has provided "a satisfactory showing that would lead to a reasonable conclusion that Ms. Sengupta is the inventor of the subject matter disclosed in the cited art and claimed in the present application.

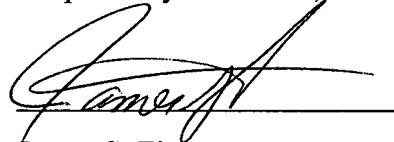
Conclusion

From the foregoing, Applicants respectfully submit that all of the stated grounds of rejections have been properly traversed, accommodated, or rendered moot. Accordingly, Applicants respectfully request that the application is in condition for allowance and respectfully request such action.

If the Examiner believes, for any reasons, that personal communication will expedite prosecution of this application the Examiner is invited to telephone the undersigned at the following number: 202-607-4607.

The USPTO is authorized to charge Deposit Account No. 502697 any fees associated with this response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James S. Finn", is written over a horizontal line.

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